

***Superseded 5/12/2015***

**72-7-409 Loads on vehicles -- Limitations -- Confining, securing, and fastening load required -- Penalty.**

- (1) As used in this section:
  - (a) "Agricultural product" means any raw product which is derived from agriculture, including silage, hay, straw, grain, manure, and other similar product.
  - (b) "Vehicle" has the same meaning set forth in Section 41-1a-102.
- (2) A vehicle may not be operated or moved on any highway unless the vehicle is constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping.
- (3)
  - (a) In addition to the requirements under Subsection (2), a vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal shall have a covering over the entire load unless:
    - (i) the highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle; and
    - (ii) the outer edges of the load are at least six inches below the top inside edges of the exterior walls or sideboards of the cargo compartment of the vehicle.
  - (b) In addition to the requirements under Subsection (2), a vehicle carrying trash or garbage shall have a covering over the entire load.
  - (c) The following material is exempt from the provisions of Subsection (3)(a):
    - (i) hot mix asphalt;
    - (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form not susceptible to being blown out of the vehicle;
    - (iii) material being transported across a highway between two parcels of property that would be contiguous but for the highway that is being crossed; and
    - (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers, bags, or packaging.
  - (d) A chemical substance capable of coating or bonding a load so that the load is confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long as the chemical substance remains effective at confining the load.
- (4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry carrying an agricultural product, if the agricultural product is:
  - (a) being transported in a manner which is not a hazard or a potential hazard to the safe operation of the vehicle or to other highway users; and
  - (b) loaded in a manner that only allows minimal spillage.
- (5)
  - (a) An authorized vehicle performing snow removal services on a highway is exempt from the requirements of this section.
  - (b) This section does not prohibit the necessary spreading of any substance connected with highway maintenance, construction, securing traction, or snow removal.
- (6) A person may not operate a vehicle with a load on any highway unless the load and any load covering is fastened, secured, and confined to prevent the covering or load from becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to other highway users.
- (7) Before entering a highway, the operator of a vehicle carrying any material listed under Subsection (3), shall remove all loose material on any portion of the vehicle not designed to carry the material.
- (8)

- (a) Any person who violates this section is guilty of a class B misdemeanor.
- (b) A person who violates a provision of this section shall be fined not less than:
  - (i) \$200 for a violation; or
  - (ii) \$500 for a second or subsequent violation within three years of a previous violation of this section.
- (c) A person who violates a provision of this section while operating a commercial vehicle as defined in Section 72-9-102 shall be fined:
  - (i) not less than \$500 for a violation; or
  - (ii) \$1,000 for a second or subsequent violation within three years of a previous violation of this section.